

Remarks

I. Oath/Declaration

In the Office Action, the Examiner has objected to the declaration submitted with the application as defective and has asked for a new oath/declaration. In response, Applicants submit herewith a replacement declaration, in compliance with 37 CFR 1.67(a).

II. Rejections Under 35 U.S.C. § 112, First Paragraph

In the Office Action, the Examiner has rejected Claims 1 and 16-17, previously on file, under 35 U.S.C. § 112, first paragraph, with respect to the written description and enablement requirements. The rejection relates to the payout being “fixed.”

In response, Applicants have amended these claims to recite that the payout is set forth in a “specified currency amount.” Applicant respectfully submits that this amendment is supported by the Specification, and that no new matter has been added.

Applicant notes that in the embodiment illustrated in Figure 2, the “game record 50” includes thereon a “games rules record portion 64 which, in this embodiment, includes specified currency amounts for the game prizes - e.g., \$750 for first place, \$350 for second place, and \$50 for last place. See also, ¶ 23. Accordingly, the Application sets forth an example wherein a specified currency amount is disclosed to the game entrant, in advance, in the game record.

III. Rejections Under 35 U.S.C. § 103

In the Office Action, the Examiner has rejected Claims 1-17 as being unpatentable over the combination of Hannan in view of Tulley. Applicants note the cancellation of Claims 2 and 17, without prejudice or disclaimer. With respect to the remaining claims, Applicants submit that, as amended, they patentably distinguish over the cited combination.

Initially, Applicants note the amendment of independent Claim 1, upon which the remaining claims directly or indirectly depend, to recite several features: (a) the “subject” of the game is a “combined outcome of multiple sports games occurring within a plurality of specified, consecutive time frames”; (b) the provision to game entrants of a game record, with the game record including thereon the unique game record identifier, the multiple sports games and the plurality of specified time frames; and (c) the establishment and payment to one or more entrants who win respect to games occurring on a single one of said plurality of specified, consecutive time frames without regard to games occurring on others of said plurality of specified, consecutive time frames. Support for these Amendments may be found in the Specification. See, e.g., Figure 2.

Applicants respectfully submit that, as amended, Claims 1 and 17 distinguish over the combination of Hannan and Tulley. As claimed, the present invention allows a player to wager on a combined outcome of multiple sports games (e.g., total score of multiple teams participating in multiple games) occurring on specified, consecutive time frames (e.g., consecutive weeks in a multiple week season), to be able to win for one time frame but not others, and to have a record of all of this. This permits a player to make a single wager and to, thereafter, follow along for a series of games occurring over all or a portion

of a sports season, with each time frame within the season constituting a discrete opportunity for victory.

The prior art does not show this. The Hannan reference, while disclosing a lottery game relating to sports, does not disclose the claimed combination of features -- allowing for a player to pay a single fee, receive a game record identified by a unique identification number, and to thereby be able to discretely win relating to the combined outcome of games occurring on a single one of said plurality of specified, consecutive time frames without regard to games occurring on others of said plurality of specified, consecutive time frames. The Tulley reference, the secondary reference cited by the Examiner, does not supply this deficiency. That reference is concerned with a different issue -- that of providing for the sale, at a premium, to lottery players of unique lottery tickets, unassigned to other players, so that a top prize will not need to be shared.

In conclusion, Applicant respectfully submits that this Amendment, including the amendments to the Specification and Claims and in view of the Remarks offered in conjunction therewith, is fully responsive to all aspects of the objections and rejections tendered in the Office Action. Applicant therefore earnestly solicits the issuance of a Notice of Allowance with respect to Claims 1 and 3-16.

If there are any additional fees incurred by this Amendment, please deduct them from our Deposit Account No. 23-0830.

Respectfully submitted,

Dated: July 16, 2008

/Jeffrey Weiss/
Jeffrey Weiss
Reg. No. 45,207